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COUNTY OF LOS ANGELES - SHERIFF'S DEPARTMENT - SUPPLEMENTARY REPORT

DATE DECEMBER 1, 1991 FILE NO. 091-15580-0642-057

C- ASSAULT WITH DEADLY WEAPON ON PEACE OFFICER - 245 (C) P.C./ DEPUTY INVOLVED SHOOTING/ UNAUTHORIZED ENTRY OF PROPERTY - 602.5 P.C.

Action Taken ACTIVE/INVESTIGATION MADE/EVIDENCE HELD/ HELD/EVIDENCE RELEASED/PROPERTY HELD/ COMPLAINT OBTAINED/ CASE #PA007650

V- SEE BELOW:

D- 11-29-91

L- [redacted] LAS MANANITAS DRIVE, VALENCIA

S- MITTENHUBER, BRIAN (NMI) MB/19 (INJURED)

VICTIMS:

#1: DEPUTY GERALD NEWBOLD MW/31, EMPLOYEE #[redacted]
Santa Clarita Valley Station
23740 Magic Mountain Parkway
Valencia, (805) 255-1121

#2: DEPUTY SCOTT SEEMANN MW/27, EMPLOYEE #[redacted]
Santa Clarita Valley Station
Magic Mountain Parkway
Valencia, (805) 255-1121

#3: THOMAS, COLIN ALLAN MW/43
[redacted]

#4: ELLIS, BRETT MW/29,
[redacted]

* * *

EVIDENCE HELD:

Item #1A - One red and blue plaid shirt and one purple and maroon plaid shirt were found folded together on the sidewalk six inches west of the west curb and one foot north of the south edge of the driveway. The shirts were noted to have blood on them and to have been cut, apparently by paramedics who had responded to the location.

Item #1B - One pair athletic shoes were found on the driveway 6 feet 8 inches west of the west street edge and 1 foot south of the south driveway edge.

Item #1C - One pair blue jeans were found on the front lawn 8 feet west of the west curb and 1 foot south of the south drive edge. Blood was also on the jeans which were cut.

Item #1D - One blue Levi jacket was found on the front lawn 10 feet 10 inches west of the west curb and 1 foot south of the south driveway edge. Blood was also noted to be on the jacket and cut off of Suspect Mittenhuber.

Item #2 - One police baton, metal, black in color, PR24 was found on the front lawn 21 feet 2 inches west of the west curb and 3 feet 3 inches south of the south driveway edge.

Item #3 - One buck knife, "Sharp", 3 1/4 inch blade, brown stainless steel handle, was found on the front lawn 19 feet 3 inches west of the west curb and 7 feet south of the south driveway edge.

Item #4 - One buck knife "Sharp", 4 1/4 inch blade, brown stainless steel handle, was found on the front lawn 20 feet west of the west curb and 8 feet south of the south driveway edge.

Item #5 - One pair handcuffs were found on the front lawn 19 feet 3 inches west of the west curb and 8 feet 6 inches south of the south driveway edge.

Item #6 - One expended 9mm bullet was recovered by Sergeant Riggs on top of the aforementioned blue Levi jacket.

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EVIDENCE RELEASED:

Item #5 - One pair of handcuffs.

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PROPERTY HELD:

One Beretta 9mm, model 92F, pistol Serial No. [redacted].

One ammunition clip containing 10 9mm bullets.

One 9mm bullet

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On 11-29-91 at 1317 hours, Deputy Baylis assigned to Santa Clarita Valley Station, advised Homicide Bureau of an assault with a deadly weapon on Deputies Seemann and Newbold and the shooting of Suspect Brian Mittenhuber.

Investigators responded to the location of the incident, [redacted] Las Mananitas Drive, Valencia. Sergeant Riggs arrived at 1400 hours, Investigator Havercroft arrived at 1515 hours, and Sergeant Adams at 1520 hours. Deputy Joe Skophammer, #[redacted] assigned to Santa Clarita Valley Station, pointed out to Investigators the location of the incident and provided Investigators with the information contained in his reports.

The assault on the deputies and the shooting of Suspect Mittenhuber occurred on the front lawn and drive of [redacted] Las Mananitas Drive, Valencia, a single story family home. The house is located on the west side of the street and the driveway is located on the north side of the property. The driveway leads to an attached garage at the front (east side) of the house. The entrance to the house is located on the south side of the house near the east corner. Investigators also noted a [redacted]. A sidewalk, measuring 6 feet in width, borders the west curb of the street.

Investigators observed a 1986 white Toyota coupe, California license #[redacted] facing westbound, parked in the driveway. The back of the vehicle measured 7 feet 1 inch west of the west edge of Las Mananitas Drive and 1 foot 5 inches north of the south edge of the driveway (left rear of the vehicle).

Blood was observed on the driveway commencing 12 feet west of the street edge. The blood extended from the south edge of the driveway approximately 9 to 15 inches to the north and was noted to be between the south edge of the driveway and the aforementioned Toyota. The blood had flowed 8 feet 5 inches to the east towards the west edge of the sidewalk.

The house, [redacted] Las Mananitas Drive, which Suspect Mittenhuber entered prior to going to the [redacted] residence, is the [redacted] house south of the [redacted] residence on the same side of the street.

On 11-29-91 at 1750 hours, Sergeant Adams interviewed [redacted], FW/16, [redacted]. Miss [redacted] is an [redacted] student at [redacted].

Miss [redacted] related that she has known Suspect Mittenhuber since March, 1990. She met him when she and a friend, [redacted], went to Magic Mountain.

Suspect Mittenhuber was alone at the time. He had informed her and Miss [redacted] that he arrived at Magic Mountain with a group of friends but they did not want to go on any of the rides, so he left them. Suspect Mittenhuber then joined them and remained with them until they left. Prior to leaving they exchanged telephone numbers.

Miss [redacted] stated that three days later she received a telephone call from Suspect Mittenhuber and they made plans to attend a movie. They attended a movie together accompanied by another friend of hers, [redacted]. After the movie they went to the "Subway" and then home. The next day Suspect Mittenhuber telephoned her and she invited him to go on a picnic at a park with some friends. On the day of the picnic she could not go because something came up that her parents wanted her to do. However, later that day she invited Suspect Mittenhuber to her house to have a pizza with her, her [redacted], and Miss [redacted].

Miss [redacted] stated that after that, Suspect Mittenhuber began telephoning every day or every other day.

She and Miss [redacted] met Suspect Mittenhuber again at Magic Mountain and Suspect Mittenhuber gave her a "tie dye" shirt. On a later occasion Suspect Mittenhuber gave her another "tie dye" shirt. He continued to telephone her and wanted to date her.

She declined stating that she just wanted to be friends. He then stated that he wanted the shirts back and she returned them.

Miss [redacted] stated that she did not hear from Suspect Mittenhuber from August 1990 to February 1991. He then started telephoning again wanting to date her. She declined again, and kept telling him not to call. However, Suspect Mittenhuber would not accept her refusal to date him and kept calling her. Sometimes he would call several times a day and her [redacted] initially told him that she was not at home or was busy. Her [redacted] then told him not to call any more.

Suspect Mittenhuber would just show up at her house uninvited on Saturdays. She told him to leave and her [redacted] kept telling him not to come over again.

Miss [redacted] stated that on one of the occasions that Suspect Mittenhuber telephoned, he informed her that he had a .22 caliber rifle and he was going to bring the rifle with him when he visited her. She stated that she didn't believe Suspect Mittenhuber had a rifle and he had not threatened to shoot her.

Miss [redacted] stated that her [redacted] obtained a restraining order in September 1991 in an effort to prevent Suspect Mittenhuber from calling or visiting their house. However, Suspect Mittenhuber

continued to call and came to their house at which time, Suspect Mittenhuber was arrested for violating the restraining order.

Miss [redacted] stated that her [redacted] had telephoned Suspect Mittenhuber's [redacted] to request her assistance in keeping Suspect Mittenhuber from annoying them. Mrs. [redacted] advised her [redacted] that Suspect Mittenhuber had sustained brain damage in a traffic accident when he was six years old.

Miss [redacted] stated that on 11-29-91 in the afternoon she was expecting a call from a friend and was going to go out. Her [redacted] had already left the house and her [redacted] was also planning on leaving. At approximately 12:50 P.M. her [redacted] apparently heard a noise because he yelled at her not to jump on the bed. She had not jumped on the bed so she went to tell her [redacted] who was in his bedroom that she had not jumped on the bed and she saw Suspect Mittenhuber in her [redacted] bedroom. Suspect Mittenhuber told her to go with him. She replied that she was not going anywhere with him.

Suspect Mittenhuber then went into the living room and laid down on the couch. Her [redacted] told him to leave and Suspect Mittenhuber replied, "No". Her [redacted] then tried to call Suspect Mittenhuber's [redacted] but could not reach her. He told Suspect Mittenhuber to leave again but Suspect Mittenhuber again refused.

At that time, her [redacted] looked out the front window and saw a Sheriff's car. Her [redacted] then went outside to talk to the deputy. She told Suspect Mittenhuber that a Sheriff's car was in front of the house and it startled Suspect Mittenhuber who was still laying on the couch. She, Miss [redacted], went outside and was followed by Suspect Mittenhuber approximately one to one and one-half minutes later. The deputy told Suspect Mittenhuber to get into the Sheriff's car and to place his hands on the car but she doesn't recall which was said first.

Miss [redacted] observed Suspect Mittenhuber to take a knife out of his pocket and drop it on the front lawn. He then took his wallet out of his pocket and dropped it on the lawn.

At that point, her [redacted] told her to go back into the house and she complied. She returned inside the house and looked out of living room window. At that time she saw Suspect Mittenhuber lying on his back on the front lawn with his head toward the house. Suspect Mittenhuber then rolled over on his stomach. She doesn't recall seeing deputies at that time because she was only looking at Suspect Mittenhuber.

Miss [redacted] stated that she then went to check on her [redacted] who was also in the house. When she returned to the window, she saw that Suspect Mittenhuber had rolled over on his stomach and a

deputy was trying to put handcuffs on Suspect Mittenhuber. This deputy was kneeling over Suspect Mittenhuber. She recalls that another deputy was standing nearby. She believes that the deputy kneeling over Suspect Mittenhuber had placed one handcuff on Suspect Mittenhuber but she is not sure. She then saw a lot of movement by Suspect Mittenhuber and the deputy who was handcuffing Suspect Mittenhuber and the deputy jumped up while pushing Suspect Mittenhuber back.

She also recalls that one of the deputies was telling Suspect Mittenhuber not to go for the deputy's gun.

Subject Mittenhuber then got to his feet and was holding the deputy's baton in his right hand up over his right shoulder and was moving the baton back and forth with his wrist. Suspect Mittenhuber was saying "I'll just go home." But while he was saying this, he was advancing towards the deputy who had been trying to handcuff Suspect Mittenhuber. Suspect Mittenhuber still had the baton raised up as he advanced toward the deputy and was moving the baton back and forth. The deputy backed across the lawn followed by Suspect Mittenhuber. She heard a deputy tell Suspect Mittenhuber, "Brian, put it down."

Miss [redacted] stated that she backed away from the window and could see only Suspect Mittenhuber standing near the left rear tire of the white Toyota and a deputy standing next to the left front tire of the Toyota. Suspect Mittenhuber was facing the deputy and still had the baton raised up in the air. She then heard gunshots and Suspect Mittenhuber fell forward on his face. One of the deputies then went to Suspect Mittenhuber and handcuffed him. Miss [redacted] added that she doesn't believe Suspect Mittenhuber had handcuffs on his wrist during the incident, because she doesn't recall seeing it.

Miss [redacted] also stated that Suspect Mittenhuber did not noticeably appear to be under the influence of alcohol or drugs. Also, she doesn't understand how Suspect Mittenhuber would have mistaken a neighbor's house for her house because he had been to her house several times.

Department of Motor Vehicles records reveal that the 1986 Toyota which was parked in the [redacted] driveway is registered to Suspect Mittenhuber at [redacted] The vehicle was released to his [redacted], [redacted] FW/46, [redacted] [redacted], [redacted] at the location at her request. Mrs. [redacted] advised Sergeant Adams that her son, Suspect Mittenhuber, was injured in a traffic accident when he was six years old and had suffered brain damage. She added that Suspect Mittenhuber has the mentality of a six year old and is not violent. She is aware that the [redacted] family has a restraining order to keep Suspect Mittenhuber away from [redacted]

The above-mentioned Evidence Held Item #7, four Polaroid photographs, were taken by Deputy Skophammer prior to the under-signed Investigators' arrival at the location. The photos depict paramedics working on Suspect Mittenhuber.

Photo #1 displays the position of the baton (Evidence Held Item #2) at Suspect Mittenhuber's left side prior to it being moved by paramedics.

The above listed Evidence Held Item #5, was returned to Deputy Newbold at Santa Clarita Valley Station.

The above listed property held, Deputy Seemann's Departmental issued 9mm Beretta, was retained by Investigators pending examination by Firearms Section at the Criminalistics Lab. Investigators checked the weapon and found that the clip contained ten live rounds of Department issued ammunition. One live round was in the the weapon's chamber.

The above described Evidence Held Items Numbers 1, 2, 3, 4, 6 and 7 were retained by Investigators.

At 1745 hours Sergeant Riggs interviewed **WITNESS** [redacted] MW/43, at Santa Clarita Sheriff's Station.

Mr. [redacted] stated he has known Suspect Mittenhuber for about one and one-half years. The suspect met his [redacted], [redacted] FW/16, at Magic Mountain Amusement Park and gave her and her [redacted] a ride home. The suspect later drove [redacted] and her friend to a movie theater on one occasion. After that time the suspect started telephoning [redacted] numerous times a day at all hours, and coming to the house uninvited.

[redacted] and Mr. [redacted] told the suspect several times that they did not want him calling or coming to their home, and he finally stopped contacting them.

After about eight months the suspect suddenly started calling and coming over again. He wouldn't take no for an answer and wouldn't leave the house when told.

The [redacted] family tried to deal with this for several months then on 09-30-91, obtained a court restraining order against the suspect.

In the restraining order, Mr. [redacted] listed the problems they were having with the suspect including threats of violence. A copy of the restraining order was filed with Santa Clarita Sheriff's Station.

Within a couple of days of obtaining the order, the suspect showed up at [redacted] house with his copy of the order that had been served on him. The suspect also had a second restraining order that his [redacted] had served on him.

Mr. [redacted] stated that the suspect's [redacted] had told him that the suspect would come home mad and break up the furniture. The suspect also ran up $700 in phone bills making all the telephone calls from Torrance to Valencia where the [redacted] residence is.

When the suspect showed up with the restraining order and again refused to leave, Mr. [redacted] notified the Sheriff's Station and requested that the suspect be arrested for violating the order on 10-05-91 under Sheriff's #191-13096-0641-399. Within a few hours after the arrest, the suspect telephoned [redacted] complaining about the arrest. In the following days he called several more times and left a letter for [redacted] at the residence. Mr. [redacted] filed a second Complaint Report under #191-13346-0642-399 on 10-10-91.

On 10-12-91, the suspect returned to the residence and refused to leave. The Sheriff's Department was called again and the suspect was arrested under File #491-13416-0642-399. On this occasion he was kept in custody for a couple of weeks and pled guilty. His [redacted]

Mr. [redacted] had no more contact with the suspect until today at 1245 hours. [redacted] was walking through the residence's hallway and the suspect walked past him. Mr. [redacted] stated he must have entered the house through an unlocked door. Mr. [redacted] told the suspect to leave but he refused and laid down on the living room couch taking his shoes off.

Mr. [redacted] asked how the suspect got to the residence, because a prior conversation with the suspect's father led [redacted] to believe that the suspect was committed to a rehabilitation program in Long Beach and wouldn't have access to his car.

Mr. [redacted] looked out his window and observed the suspect's car parked in the driveway and a Sheriff's patrol car just south of his residence.

Mr. [redacted] went outside and contacted Deputy Newbold. He told the deputy about the suspect being in the house and about the restraining order and suspect's prior arrests. Deputy Newbold said he had been called by one of the neighbors who had complained that the suspect had walked into their house uninvited before coming to the [redacted] house.

Deputy Newbold also knew about the suspect from prior contacts and told Mr. [redacted] he was waiting for a back-up unit before contacting the suspect.

At this point the suspect walked out of the [redacted] house into the front yard. Deputy Newbold told the suspect to come out to the radio car and talk with him.

The radio car was parked headed north against the west curb in front of [redacted] house. Mr. [redacted] and Deputy Newbold were standing next to the radio car, on the sidewalk.

The suspect started toward the radio car with his hands in his jacket pockets. Deputy Newbold told the suspect to take his hands out of his pockets. The suspect did and had a knife in one hand and something else in the other. The knife was a folding type and the suspect dropped both items on the ground.

Deputy Newbold asked the suspect to have a seat in the back of the radio car and opened the car's rear door. As the suspect approached the car, Deputy Newbold backed away as if he was trying to keep a distance between himself and the suspect.

The suspect didn't get in the car but just leaned against it. Deputy Newbold told him to get in but the suspect refused.

The suspect then started walking toward the front door of the house again and Deputy Newbold was telling him to stop. The suspect also picked up the knife and other item and put them back in his pocket.

After several commands by Deputy Newbold, the suspect finally complied by stopping, then laying on the ground, face down with hands behind his back, as ordered by Deputy Newbold. Sometime during these events the suspect or Deputy Newbold had removed two knives (Evidence Held Items #3 and #4) from the suspect's clothing and dropped them to the ground.

The deputy was near a tree in the front yard and the suspect was on the grass on the south side of the front yard.

Deputy Seemann arrived with his car lights and siren on. He approached the suspect with his gun out and pointed it at the suspect. Mr. [redacted] doesn't recall if Deputy Newbold had his gun out or not.

While Deputy Seemann had his gun pointed at the suspect, Deputy Newbold stood over the suspect and started to put handcuffs on him. He got the left cuff on but the suspect refused to put his right hand behind his back.

Deputy Newbold was struggling with the suspect trying to get a hold of the un-cuffed right hand. Mr. [redacted] heard Deputy Seemann call out, "Don't go for his gun, I don't play these kind of games" or something to that effect.

Mr. [redacted] didn't see the suspect attempt to grab the deputy's gun but somehow he did get the deputy's baton. The suspect was now on his back and getting to his feet with the baton in his right hand and handcuff hanging from the left wrist.

Deputy Newbold also got to his feet and started quickly backing away from the suspect toward the sidewalk. The suspect had the baton raised up over his right shoulder like a baseball player would a baseball bat. The suspect was moving the baton in a slightly up and down motion and walking toward the sidewalk, just south of the deputy who was still walking backward to keep a distance between himself and the suspect.

Mr. [redacted] couldn't recall what Deputy Newbold said to the suspect but the suspect was saying, "I just want to get out of here. I just want to go." The suspect continued to walk north up the sidewalk toward the deputy who was still backing up. Deputy Seemann was following the suspect slightly behind him and to his left in about the center portion of the front yard.

Mr. [redacted] was now standing near the front of the house where the walkway leads from the driveway to the front door. This was also near the left front fender of the suspect's vehicle.

When the suspect reached the area of the front sidewalk and the edge of the driveway, Mr. [redacted] couldn't see Deputy Newbold who was to the north of the suspect somewhere behind the suspect's vehicle. The suspect was near the left rear of his vehicle and Mr. [redacted] is not sure, but thinks the suspect no longer had the baton raised over his right shoulder. Mr. [redacted] at this point was looking between the suspect, then back toward Deputy Seemann who was approaching the suspect from his left rear side.

At this point Deputy Seemann started shooting the suspect in the back and head. The suspect took about one or two steps forward, then fell against the left rear side of his vehicle, then face down on the driveway's edge with the front yard.

Deputy Seemann fired five times at the suspect shooting him in the forehead, back and leg. Mr. [redacted] said he couldn't be sure but thinks the suspect was facing away from Deputy Seemann and toward Deputy Newbold when Seemann shot him.

During the interview with Mr. [redacted] he said several times that he thought that Deputy Seemann acted unreasonably. That he should have just shot him in the leg.



Mr. [redacted] never stated that the deputy was backing up to get away from the suspect, only that he didn't know why the deputy was walking backward. Mr. [redacted] stated that the suspect was walking towards the deputy with the baton raised in what he indicated would be a striking position. Mr. [redacted] never said "striking position" but Mr. [redacted] indicated a striking position by placing his right hand above his shoulder. He then stated it was more like the suspect couldn't decide whether to put it down or not and only wanted to get away.

Mr. [redacted] kept stating that he wasn't really concerned about the suspect harming his [redacted], he was just more of a nuisance. The suspect's [redacted] had told him that the suspect had brain damage from a car accident but wasn't dangerous.

Mr. [redacted] seemed puzzled about the deputies' reaction to the suspect resisting arrest, taking Deputy Newbold's baton and then advancing at him with it raised over his shoulder. At one point Mr. [redacted] stated he was an ex-Royal British Marine and if he had to handle the suspect, he would have kicked him in the groin causing him to bend forward, then he would have twisted his neck, breaking it.

A taped statement was taken from Mr. [redacted] at 1925 hours. It will be transcribed and a copy of that transcription will be made a permanent part of this file.

Investigator Havercroft from the Sheriff's Homicide Bureau assisted us with interviews of other witnesses to the incident. A supplemental report detailing his investigation will be completed and made a permanent part of this file.

At 2045 hours, Investigators interviewed **DEPUTY GERALD NEWBOLD**, #[redacted] at Santa Clarita Sheriff's Station. This interview was tape recorded.

At 2147 hours, Investigators interviewed **DEPUTY SCOTT SEEMANN**, #[redacted], at Santa Clarita Station. This interview was tape recorded.

Interviews of Deputy Newbold and of Deputy Seemann will be transcribed and a copy of each of the transcriptions will be made a permanent part of this file.

On 11-29-91 at 2330 hours, Investigators contacted **DR. SINGH** at Henry Mayo Hospital. Dr. Singh stated there were three bullets still in the suspect and one through and through wound in the neck. He described the injuries as the neck wound being left to right through the neck, two bullets in the right upper arm with one gunshot wound to the upper back of the arm. One bullet in the left side of the upper chest with two gunshot wounds to the upper

left side of the back. One of these wounds possibly accounts for the bullet in the chest, and the other for the bullet that ended up in the right arm. The doctor also mentioned injury to the left side of the jaw with connection to a neck wound. The suspect also had an abrasion to the upper center of his forehead that may have resulted from a fall to the driveway after being shot. The suspect's condition did not allow Investigators the opportunity to interview him.

On 11-30-91 at 1200 hours, Sergeant Riggs contacted the **INFORMANT** [redacted] at his residence. Mr. [redacted] stated that as described in a prior interview with Deputy Skophammer (Refer to attached supplemental report) the suspect had entered his house and walked through it asking for [redacted]. When he left the residence the suspect climbed over the block wall not using the gate. Mr. [redacted] watched the suspect drive to the [redacted] residence and park in the driveway. He then started walking toward the front door, when he appeared to start striking at and hitting a bush at the edge of the walkway. It looked like he was fighting the bush.

Mr. [redacted] couldn't see what was happening in the yard when the deputies arrived but he did hear them shouting orders to the suspect for him to stop, freeze, and drop it. These were repeated several times before the shooting occurred.

On 12-02-91, a complaint charging Suspect Mittenhuber with one count of Assault With a Deadly Weapon on a Peace Officer, one count of Resisting Arrest with Weapon Removal and three counts of Disobeying a Court Order was filed at Newhall Municipal Court. Case No. PA 007650.

Investigation is continuing with additional reports to follow.

BY: SERGEANT DORAL RIGGS, #[redacted]
SERGEANT BIRL ADAMS, #[redacted]
APPROVED: LIEUTENANT DERRY BENEDICT
HOMICIDE BUREAU - DETECTIVE DIVISION

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COUNTY OF LOS ANGELES - SHERIFF'S DEPARTMENT - SUPPLEMENTARY REPORT

DATE DECEMBER 3, 1991 FILE NO. 091-15580-0642-057

C- ADW ON A PEACE OFFICER/DEPUTY INVOLVED SHOOTING Action Taken ACTIVE/WITNESSES INTERVIEWED

V- #1 - SEEMANN, SCOTT W. MW/27 DEPUTY #[redacted]
#2 - NEWBOLD, GERAL MW/31 DEPUTY #[redacted]

D- 11-29-91 AT 1255 HOURS

L- [redacted] LAS MANANITAS DRIVE, VALENCIA

S- MITTENHUBER, BRIAN MW/19

At approximately 1330 hours on 11-29-91, Investigator Havercroft was contacted and directed by his office to go to [redacted] Las Mananitas Drive, Valencia, to assist Sergeants Riggs and B. Adams with a Deputy Involved Shooting occurring at that location.

Investigator arrived at approximately 1515 hours and contacted Sergeant Riggs. At Sergeant Riggs request Investigator conducted witness interviews.

At approximately 1535 hours on 11-29-91, Investigator conducted an interview with [redacted] FW/16, at her home at [redacted] Ms. [redacted] stated that at approximately 1:00 p.m. she and her boyfriend, [redacted] MW/18, walked out of her house to drive to [redacted] house, when she saw the Sheriff's black and white radio car stopped at the curb in front of her [redacted] house (location). The lone deputy was seated in the car and appeared to be talking to Mr. [redacted] who also resides at the location. She noted that Mr. [redacted] was wearing an orange T-shirt. She heard Mr. [redacted] say, "Oh I'm glad you're here". At the same time, she saw another man (suspect) walking eastbound on the sidewalk that's on the south side of the location. He was being followed by [redacted].

She said this man was wearing a heavy denim jacket and plaid shirt. Ms. [redacted] and her [redacted] got into her boyfriend's pick-up truck and drove southbound away from the location. When they reached the intersection of Mananitas Drive and Festividad Drive (approximately 1/2 mile south of the location), she observed another Sheriff's black and white car with red lights and siren pass them going toward the location. Her [redacted] turned the truck around and they returned to her house to see what was happening. Her [redacted] parked the truck in the street adjacent to

the east curb and just north of her address. She saw that the second radio car had stopped at the location and that both deputies were standing on the lawn near the suspect.

Ms. [redacted] said that both deputies were wearing Sheriff's Department uniforms and said that one was taller than the other. For the purpose of clarifying which deputy she would be referring to in the remainder of her statement, we agreed that one deputy would be described as the short deputy and the other as the tall deputy. She said the short deputy was the first deputy she had seen at the location and the tall deputy was the second deputy to arrive.

She said the suspect was standing on the front lawn facing in a northerly direction and just north of the tree that is in the front yard. The short deputy was standing in the front yard near the left rear portion of the white car that was parked in the driveway. The tall deputy was also in the front yard, but was standing closer to the house, northwest of the suspect and southwest of the short deputy. The suspect was holding a police baton by the handle, in his right hand. The short deputy who was facing the suspect had a handgun in his hand and it was pointed toward the suspect. The suspect had the baton held at about shoulder level with the end of the baton extending over his head.

She estimated that the suspect and the short deputy were approximately 5 feet apart at this point. She heard a deputy (unknown which one) command the suspect to "drop it" or "put it down". She didn't hear the suspect say anything in response to the command. Instead the suspect took one or two short steps towards the short deputy, still with the baton held over his shoulder and head. The suspect was waving the baton back and forth. The short deputy retreated backwards as the suspect continued to move forward. Ms. [redacted] heard a deputy, still unknown which one, give the same order three more times over a five second period.

Also during this period the suspect had closed the distance between he and the short deputy to approximately 2 feet. At that time the short deputy was near the left rear portion of the car, but still standing on the grass and still facing the suspect. The tall deputy was facing the suspect and standing on the lawn northwest of the suspect and southwest of the short deputy, near the front of the house. At this time she heard four gunshots that took approximately two seconds. The suspect fell face down, onto the lawn, at the edge of the driveway. She could not tell which deputy had fired his gun, because she didn't see any flash or smoke. Both deputies then moved to the suspect and one of them handcuffed him. Within a very short period of time, a lot of other deputies and Fire Department personnel arrived at the location.

At Investigators request, Ms. [redacted] assisted him at drawing a rough sketch of the scene, as she saw it. In addition Investigator read her statement back to her and after concurring with its content signed her name at the end of the statement.

At approximately 1625 hours, Investigator conducted an interview with [redacted] FW/45, [redacted], in her home at [redacted] business phone [redacted] Mrs. [redacted] stated that at approximately 1:00 p.m. her [redacted], [redacted] told her that he had heard from one of the neighbors [redacted] the street that a man had come into their house uninvited and unknown to the occupants, looking for [redacted]. Shortly after that time, her [redacted] and [redacted] left her home. Approximately five minutes later, she went to the west facing window of the southwest bedroom of her home and looked outside. She looked in a northwesterly direction and observed a black and white Sheriff's car parked in front of a neighbor's home (location).

A deputy was bending over a man that appeared to be laying on his back on the front lawn of the location near the south property line, by the hedge. Because of this hedge, that was approximately 4 feet high, she could only see the upper back of that deputy and the legs of the man. She noticed the man was wearing tennis shoes and had one leg crossed over the other. She saw another deputy standing upright, also on the front lawn, but near the sidewalk that leads to the south side of the location. This deputy had his handgun out and appeared to be looking in the direction of the other deputy. At this point, she saw the man roll over onto his stomach. At that instant she left the window to tell her husband what she had seen. As she and her husband were exiting the front of her home, she heard four gunshots.

When they got to their front yard she heard a deputy ordering everyone to go inside their homes and something about a shooting. She was of the opinion the deputies were concerned about the safety of the neighbors and wanted everyone in their homes until it was safe.

At approximately 1640 hours, Investigator conducted an interview with [redacted], MW/18, at his [redacted] home at [redacted]. He resides at [redacted], [redacted]. Mr. [redacted] said when he and his [redacted], [redacted] left her house about 1:00 p.m., he saw a radio car parked in front of a neighbors house (location) [redacted] from his [redacted]. The deputy who was in the radio car was talking to a man in an orange shirt. He and [redacted] left her house in his pick-up and when they got to the intersection of Las Mananitas Drive and Festividad Drive, when he saw another Sheriff's unit with red lights and siren on, going northbound Las Mananitas Drive, towards his [redacted] house. He turned his pick-up

truck around, and returned to her house. He parked his truck just north of [redacted] driveway, on the east side of the street.

Because of the hedge that divides the front lawn of the location and the house [redacted] of it, he couldn't see all of what was happening. He was able to see that two uniformed deputies were kneeling over and wrestling with a man (suspect) on the front lawn of the location, near the hedge. This activity only lasted a few moments and then he saw the suspect jump up and was holding one of the deputies' baton over his head. Both deputies were standing upright at this time and appeared to have the suspect surrounded. The suspect started walking toward one of the deputies, moving in a northeasterly direction on the front lawn. That deputy was moving backwards while facing the suspect. The other deputy was behind the suspect, but near the house. Both deputies had their handguns drawn. When the deputy that was backing up neared the rear of the white car parked in the driveway, that deputy and the suspect were approximately 4 to 5 feet apart.

The other deputy had continued to move, but kept his distance from the suspect. The deputy that had been facing the suspect, moved behind and around the north side of the white car and when he neared the front of the car, the witness heard four gunshots. He believes the suspect was at this time standing near the left rear wheel of the white car. The deputy that had been near the house, was standing just south of the front end of the car. Investigator asked Mr. [redacted] if he was sure of his observations, relative to the position of the deputies at the time of the shooting, because his [redacted], [redacted], had placed one of the deputies in a completely different position. Mr. [redacted] then explained that at the time the deputy, that had been backing away from the suspect, was at the rear of the car, Mr. [redacted] decided to back his truck up into his [redacted] driveway. He explained that he was concerned about being in the line of fire.

When he reached the driveway, he heard four shots. When he looked up, the deputies were in the position that he previously described. He did not know the position of the suspect or deputies at the time the shots were fired. He also stated he did not hear any of the commands that were given, explaining that the window on his side of the truck was closed. He also stated that the suspect had the baton over his head all the time he was visible to him and had waved it back and forth several times, but Mr. [redacted] didn't think the suspect intended hitting anyone.

At Investigators request, Mr. [redacted] assisted them in drawing a rough sketch of the scene, as he saw it. In addition, Investigator read his statement back to him and he concurred with its content.



At approximately 1745 hours, Investigator conducted an interview with [redacted], MW/41, resides at [redacted]. This interview took place at Santa Clarita Valley Station. Mr. [redacted] stated that he is in Southern California visiting his [redacted], [redacted], who lives at [redacted]. At about 1:00 p.m. he and his [redacted] were in the front yard of his [redacted] home repairing light fixtures. He noticed that there was a black and white police car parked in front of the house directly across from him. A short time later, he noticed that the police car had moved two houses north (location). The deputy, who was still in the car, was talking to a man wearing an orange shirt, this man was standing in the parkway, near the police car. The deputy moved the police car a few feet further north and then got out.

At this time, he saw a man (suspect) walking out from the south side of the house, followed by a girl. He could tell the deputy was giving the suspect orders, but couldn't hear what was being said. He noticed that the suspect pulled out what appeared to be a wallet and a key case from his pocket and throw them onto the lawn. At this point, the deputy and the suspect were approximately 10 feet apart and the deputy appeared to be intent on maintaining that distance. He heard the deputy give additional orders, again unknown what was said, and the suspect bent over and got his wallet and keys and put them into his pocket. The deputy returned to his police car and got something out of the back seat.

He described this item as the silver or gray belt like object, 3 feet long and 3 to 4 inches wide. He put this object on the trunk of the police car then returned it to the car. He then returned to the area of the suspect, which was still at the front lawn near the hedge. The suspect was wandering around and was not following orders given by the deputy. The suspect started walking back toward the house and he heard the deputy yell out "don't go back into the house". The suspect stopped after a few steps and the deputy ordered the suspect on to the ground. The suspect was not cooperating with the deputy and appeared "very reluctant" to do what he was told. However, approximately 15 seconds after the order was given, the suspect dropped down below the hedge line and out of his sight, but presumably onto the ground.

At this point, Mr. [redacted] heard a police siren and saw a second police car, with one deputy, arrive at the location. That deputy got out of his car and walked to a position on the front lawn next to the first deputy. The two deputies appeared to talk for a few moments and then the second deputy walked to a position near the hedge mid way between the street and the house. He noticed that this deputy was pointing a handgun, towards where he (witness) believes the suspect was laying. The first deputy then knelt down below the hedge in the same area of the suspect.

Within 10 to 15 seconds, the suspect jumped up into view with a police baton in his right hand. The suspect had his back toward the witness, but he could see that the baton was held in the right hand and could see the end of the baton pointing upward above the right shoulder and head of the suspect. The baton was pointing upward in a 45 degree angle and toward the first deputy who was facing the suspect. Mr. [redacted] knew that the second deputy was near the house, at the location, but he (witness) was no longer aware of his presence or actions. The first deputy and the suspect were 6 feet apart, when that deputy began to retreat from the suspect. The suspect, with the baton raised above his head in a "menacing manner" moved toward the deputy. He heard the deputy order the suspect to "stop" and "drop it".

As the deputy backed up, it appeared he was trying to keep the distance between he and the suspect or to increase the distance, but the suspect was advancing faster than the deputy was retreating. As this was going on, he heard the deputy command the suspect to "drop it" several more times. When the deputy neared the left rear fender of the car parked on the driveway, he stopped. The suspect continued and closed the distance to 3 feet or less. The suspect was still holding the baton in his right hand and above his head. At this point, the witness heard two gunshots within one second or less. There was a very short pause, which he described as a fraction of a second and then he heard three additional shots in rapid order. All the shots took approximately four seconds.

The witness was unsure if the suspect was still standing completely upright or had started falling when the last shot was fired. Immediately after the shooting, he heard the deputies order everyone into their houses, so he and his brother went inside until everything was over.

Mr. [redacted] assisted Investigator in drawing a sketch of the scene as he (witness) saw it. In addition the witness' statement, as written by Investigator, was read back to him to confirm its accuracy. Upon his concurrence, he signed his name at the end of the statement.

At approximately 1845 hours, Investigator interviewed [redacted], MW/47, resides at [redacted], [redacted]. This interview took place at Santa Clarita Valley Station. Mr. [redacted] stated that at approximately 1:00 p.m. he was in his front yard of his home with his [redacted], [redacted], replacing lights. He notice a black and white Sheriff's unit stopped in the street, [redacted] from his house. His [redacted], [redacted], moments earlier, had told him someone had walked into his neighbor's house. A short time later, he notice that the Sheriff's unit had moved in front of the house two doors north of the first

house (location). The Sheriff's car was parked in the street, opposite the hedge, at the location.

He saw a uniformed deputy standing in the front lawn and observed a man who lives at the house, exit and walk toward the deputy. He heard that man say to the deputy "thank God" or "thank goodness you're here". Witness also observed a man (suspect) exit the house and walk toward the deputy. Witness heard the deputy say something to the suspect, but couldn't understand what was said. He saw the suspect empty his pocket onto the front lawn. The deputy then walked back toward his Sheriff's car and got something out of the back seat, possibly clothing, nfd. The suspect at this time was moving around the front lawn. Witness described the movement as unusual and that the suspect was walking in circles. The deputy then returned to the area of the suspect, and the witness heard the deputy say "don't go back into the house".

At about this time a second deputy arrived with his siren on. The second deputy got out of his car and talked briefly with the first deputy. The second deputy then walked to an area on the front lawn, near the house and hedge, facing the suspect. The second deputy had his gun drawn. At this point, the first deputy and the suspect disappeared from view behind the hedge. Less than 30 seconds later, the witness saw the suspect standing up with a police baton raised up, in front of him, at head level. The suspect started walking toward the rear of the white car, parked in the driveway of the location. The witness was unable to see where the first deputy was at this time. He explained that his view was obscured by the two Sheriff's cars that were parked in the street.

The witness stated that the suspect was holding the baton like he was going to hit someone. Witness noticed that the second deputy was pointing his weapon at the suspect, and as the suspect moved the second deputy also moved parallelling him at a distance of approximately 15 to 20 feet apart. At the time the suspect was approximately midway between the tree in the front yard and the driveway, the witness heard one of the deputies, unknown which one, give four commands, they were "drop it", "stop", "drop it", and "drop it". He described the commands as spaced out and very direct. After the fourth command, he heard five gunshots. The first two were quick and then a short pause of approximately three seconds and then three additional quick shots. At the precise time of the shots, the witness' attention was on the second deputy who was standing near the house.

Witness could not tell if the second deputy was the one who fired. Immediately after the shots, he saw the second deputy talking on his hand held radio and heard some code numbers which he can't recall. At the deputy's request, he and his brother went into their house until everything was over.

The witness assisted the Investigator in drawing a sketch of the scene as he saw it. He was also read his statement as written by Investigator and after concurring with its content, signed his name at the end of his statement.

Investigation continuing with further reports to follow.

INVESTIGATOR ROBERT HAVERCROFT, #[redacted]
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HOMICIDE BUREAU - DETECTIVE DIVISION

CORTEZ/WPII